



California Regional Water Quality Control Board

San Francisco Bay Region



Winston H. Hickox
Secretary for
Environmental
Protection

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Phone (510) 622-2300 • FAX (510) 622-2460



Gray Davis
Governor

Date: DEC 20 2002

File No.: 2139.3009 (JE)

CERTIFIED MAIL NO.
RETURN RECEIPT REQUESTED

No. 70020860000530606520

Mr. Michael Alexander
General Manager
Napa Sanitation District
950 Imola Avenue West
P.O. Box 2480
Napa, CA 94558-0522

Subject: Mandatory Minimum Penalty assessed under Water Code Section 13385 (h) and (i).

Dear Mr. Alexander:

Enclosed is Complaint No. R2-2002-0078. The Complaint alleges that there were a total of 56 effluent limit violations of your NPDES permit during the period between January 1, 2000 and February 28, 2002. There were four acute toxicity 11-sample 90th percentile effluent limit violations on February 6, 2000, and February 10, October 1, and November 18, 2001. There were two chlorine residual instantaneous maximum effluent limit violations on December 21, 2000 and September 24, 2001. There were thirty five total coliform seven sample moving median violations on September 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, and October 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 15, 16, 17, 22, 23, 24, 25, 29, 31, 2001. There were fifteen total coliform daily maximum violations on September 17, 24, 27, 28 and 29, October 3, 5, 6, 7, 8, 10, 12, 15, 16 and 23, 2001.

Fifty-one of the fifty-six violations are subject to mandatory penalties under Section 13385 (h) and (i) of the California Water Code for a total mandatory minimum penalty of \$153,000.

I plan to bring this matter to the Regional Board at its February 19, 2003 meeting. You have three options:

1. You can appear before the Board at the meeting to contest the matter. Written comments are due by February 3, 2003. At the meeting the Board may impose an administrative civil liability in the amount proposed or for a different amount; decline to seek civil liability; or refer the case to the Attorney General to have a Superior Court consider imposition of a penalty.

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2. You can waive the right to a hearing by signing the last page of the Complaint and checking the first box. There will be no hearing on this matter, provided no significant public comment is received by Board staff upon closure of the comment period. By checking the first box and signing the waiver you agree to pay the liability within 30 days after the signed waiver becomes effective.
3. You can waive the right to a hearing and agree to undertake a Supplemental Environmental Project (SEP) by signing the Waiver and checking the second box. There will be no hearing on this matter, provided no significant public comment is received by Board staff upon closure of the comment period. By checking the second box and signing the waiver you agree to complete an SEP in lieu of paying a suspended amount of up to \$84,000 of the penalty and remit the balance of the fine to the State Water Pollution Cleanup and Abatement Account within thirty (30) days after the signed waiver becomes effective. Note that the SEP must be acceptable to the Executive Officer of the Board. If the Executive Officer determines that either, the SEP proposal is not acceptable, or the SEP is not adequately completed within the approved time schedule, you will be required to pay the suspended liability within 30 days of notification by the Regional Board.

For options 2 or 3 above, you are requested to mail and fax a copy of the signed waiver to the attention of Joseph Ernest at (510) 622-2460 no later than February 3, 2003, and if you intend to complete an SEP, a preliminary proposal must accompany the waiver for approval of concept. If you have any questions regarding this matter, please contact Joseph Ernest of my staff at (510) 622-2456 or email address je@rb2.swrcb.ca.gov.

Sincerely,



Loretta K. Barsamian
Executive Officer

Enclosure: Complaint No. R2-2002-0078

cc: Greg Walker, RWQCB
Gina Kathuria, RWQCB
Tong Yin, RWQCB

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